

Board of Selectmen
March 10, 2015
Conference Room A, Town Hall

A meeting of the Rockport Board of Selectmen was held at 6pm on Tuesday, March 10, 2015 in Conference Room A in Town Hall. Five selectpersons were present along with the Asst. Town Administrator; the Town Administrator was not present.

6:00 Meeting called to order

Police Chief Finalists Deliberations: Selectperson Murphy moved that the Board of Selectmen conditionally appoint John Horvath as the Chief of Police for Rockport based upon the favorable results of a thorough background investigation and physical fitness and psychological fitness examinations, seconded by Selectperson Sheedy, Vote: 3-2. Vote to reconsider: Selectperson Murphy moved that the Board of Selectmen conditionally appoint John Horvath as the Chief of Police for Rockport based upon the favorable results of a thorough background investigation and physical fitness and psychological fitness examinations, seconded by Selectperson Sheedy, Vote: 5-0.

Police Chief
Finalists
Deliberations

Selectperson Murphy read a letter he wrote to explain the process to hire a chief of police. He said the position was taken out of civil service by town meeting vote. He has heard that some residents are saying that there were insufficient voters at town meeting for this vote. He said April town meeting is always held on the first Saturday in April and the meeting is properly advertised. He said the town then contracted with BadgeQuest and the process was ethical and balanced. He said it is unfortunate that some residents are finding fault with the process; there have been some disappointing insults on social media.

Chairperson Wilkinson said she has received feedback from residents with positive comments on all three candidates; this speaks well on the work of the screening committee.

Selectperson Sheedy said Chief John Horvath is her first choice. She said he meets the criteria that is important to the town. She observed leadership ability both while she observed him while she was on the screening committee and when he came before the Board of Selectmen. He highlighted training, negative discipline, and honest communications. He was trained through community policing. He said his plan in the first 30 days is to meet with seniors, the administration, and the schools and get to know the community. He has excellent communication skills, he is open and friendly, and had good judgment in answering questions. Another plus is he has conducted union negotiations.

Selectperson Murphy agreed that John Horvath is a good fit for Rockport. He said he would understand students, and has had valuable experience in the City of Hartford. He is in tune with social media; and would be very excited to be here. He had a good sense of humor as well. He said Chief Mark Doyle was qualified as well and he would hit the ground running. Selectperson Murphy said he has two top candidates, John Horvath and Mark Doyle.

Selectperson Battistelli said Chief Mark Doyle stood out to her and is her front runner. She said he is the best fit for the department at this time. 1) he has extensive municipal government experience, she doesn't feel the transition from New Hampshire to Massachusetts would present a problem. His budget and union negotiation experience is impressive. The list of his community programs was extensive and that represented

community policing. She said she has received input from a resident of Merrimack, New Hampshire about his community policing. She said the resident didn't know him, but knew of his work with community organizations. His reliance on partnerships in the community, and his plan to be in touch with the superintendent of schools and senior citizens was impressive. The transition for Chief Doyle would be minimal; the transition for Chief Horvath would be greater.

Selectperson Lucas said she likes John Horvath for Rockport. She said she went through a process of elimination. When she left the interview meeting, Chief Horvath was not the front runner in her mind. After thinking about it for a while, he was the front runner. She said we were lucky to have two chiefs as finalists. She said she eliminated Lt. Boudreau because he wasn't a chief. She said Mark Doyle was strong, but she weighed heavily on some citizen input and that Chief Horvath very genuinely wanted to live in Rockport. Also he is familiar with Massachusetts laws. She investigated some UMass incidents, particularly that occurred this weekend, but she didn't feel like that would rule him out. He has had experience in some tough situations. She said she didn't consider the Treasure Island fit, she likes to switch it up and do new things; she doesn't think it's necessarily positive to be doing something similar or the same thing. Selectperson Lucas said she didn't know if Mark Doyle would fit into Rockport. She said her favorite candidate isn't going to change tonight. She said John Horvath had "good will".

Chairperson Wilkinson said her front runner is Chief Doyle. She gave a lot of thought to the police department now, and the meeting with Tom McCarthy when he submitted his retirement letter. She feels that Mark Doyle best fits with what T. McCarthy said Rockport needs. She believes John Horvath could certainly do the job. She had a similar feeling when Chief Jim Mulligan first presented to the Board of Selectmen that she had when she met with Chief Doyle; he has so much to bring to Rockport. She said Chief McCarthy had told them this is a tough job and it's more than a full time job.

Chairperson Wilkinson asked the board if they could eliminate one candidate first to narrow it down to two. Selectpersons Murphy, Sheedy, Lucas, and Battistelli said they could eliminate Lt. Boudreau.

Committee member E. Richter said it is interesting hearing the board discuss these three candidates because the committee went through this process with 71 candidates. It was extraordinarily objective and we handed you the top three candidates.

Superintendent Liebow said he liked John Horvath because of his school background and he believes he would hold students to high standards.

Chairperson Wilkinson said she reviewed each candidate's plans for their first 30 days; Mark Doyle did his homework and specified not just positions, but the specific individuals that he would meet with and he provided a timeline for the schedule.

Selectperson Sheedy said that she had to work harder at getting the information out of Mark Doyle. She said she revisited the citizen input through the surveys and saw that residents wanted: someone working as team, a chief who avoids rigid police tactics, someone visible, polite, respectful, and with good customer service. She said, in her mind, Chief Doyle was more stern.

After the vote on the Police Chief, Chairperson Wilkinson said she and M. Vieira had contacted Chief Horvath. She said he was thrilled to get the call. The Asst. Town Administrator said BadgeQuest will now dispatch an investigator to complete the background check process; the physicals will then take place. Part of the screening process is someone will visit Amherst. Interim Chief Mulligan will be leaving at the end of April. Selectperson Murphy recommended that the new chief be invited to a Board of Selectmen meeting soon after arriving in town.

Pledge of Allegiance and Moment of Silence

Interview of Melissa Tingley for the Finance Committee: Selectperson Lucas nominated Melissa Tingley as a member of the Finance Committee to fill an unexpired 3 year term ending on May 1, 2017, seconded by Selectperson Murphy, no vote taken. She said she was on the School Committee for 12 years, which is the biggest budget in town. She said she likes to see the big picture, and balancing what needs to get done now and in the future. She said her background is corporate learning and developing programs for managers. Chairperson Wilkinson said it is a huge time commitment to be a member of the Finance Committee.

Interview of
Melissa Tingley
for the Finance
Committee
No Vote Taken.

Interview of Ian Crown for the Finance Committee: Selectperson Battistelli nominated Ian Crown as a member of the Finance Committee to fill an unexpired 3 year term ending on May 1, 2017, seconded by Selectperson Murphy, no vote taken. He said he has attended some Finance Committee meetings, it is overwhelming – there's a huge amount of data to absorb. He is an absentee farmer; he grows exotic fruit in Puerto Rico, and has been coming to Rockport since the 50's.

Interview of Ian
Crown for the
Finance
Committee
No Vote Taken.

Approval of minutes of February 24, 2015: Selectperson Sheedy moved that the Board of Selectmen approve the minutes of the February 24, 2015 Board of Selectmen meeting, seconded by Selectperson Murphy, Vote: 5-0. Chairperson Wilkinson requested that under the Town Administrator Report, the minutes reflect more information on the termination of the Rockport Housing Partnership.

Approval of
2/24/15 Minutes
Motion Approved

Selectmen Updates and Liaison Reports: Selectperson Lucas said the Governor is presenting budget that cuts that would eliminate the tax credit for filming in Mass. She said she works in the industry outside of Rockport; she reached out to Meg Montanigno to see what her position is in trying to keep the tax credit in place. Meg is working Sen. Tarr and Rep. Ferrante; Selectperson Lucas she and M. Montanigno will get together to see how far reaching this credit is.

Selectmen
Updates and
Liaison Reports

Selectperson Battistelli said the Board of Selectmen has been invited to participate in the Meals on Wheels on Thursday.

Chairperson Wilkinson said the DPW crews are taking care of the sidewalks; residents are stopping them and thanking them. Selectperson Murphy recommended maybe a Friday afternoon cookout in the warmer weather for the police and DPW for their efforts on the back-to-back blizzards. R. Liebow said he would like to thank the DPW for their hard work. He said in an effort to make up some snow days there will be no school on Good Friday. He said families can still make the decision to take the day and it will be respected.

The Asst. Town Administrator said on Thursday, 3/19/15 between 9:30 and noon a cut-over on the new phone system will take place, so the phones will not work for some period

of time. They'll try to keep to the smallest amount of time possible for the switch over from the old system to the new system but they can't predict how long we may be without phone service.

Public Comment Period: T. Arsenian, 95 Granite Street, said he would like to speak on the alcohol article, the fiscal year 16 budget, and the helicopter by-law. He said he has three thoughts to share:

- 1) he recommends that the tapes be reviewed on the Police Chief interviews and some of the helpful remarks be forwarded to the new chief,
- 2) he said updates on the Tool Company aren't happening, things are going on that the public should know about. Selectperson Battistelli said at the next meeting we can update residents on where the state and the town is in the process, she said on 3/12 the applicant should have submitted something to the DEP, an update on the breakwater could take place as well, 3) T. Arsenian said he attended the Finance Committee meeting Monday evening, the town is in dire straits financially, the DPW is being asked to double rates for parking stickers and to eliminate the reduced preferential rates for the elderly.

Action List:

Special and Annual Town Meeting Warrants: Selectperson Murphy moved that the Board of Selectmen approve and sign the April 4, 2015 Special and Annual Town Meeting Warrants, seconded by Selectperson Sheedy, Vote: . M. Viera said on the STM the electricity credit issue, creating an agency fund to handle receipts and pay out to solar, Article H on STM is now covering closing out two capital repair articles to go toward the snow and ice deficit. The meals tax will be discussed later.

Selectperson Murphy moved that Board of Selectmen approve and sign the April 4, 2015 Special and Annual Town Meeting warrants out of session, seconded by Selectperson Sheedy, Vote: 5-0.

Acceptance of Resignation of Frederick Tarr III: Selectperson Lucas moved that the Board of Selectmen accept the resignation of Frederick Tarr as the Rockport representative to the Metropolitan Area Planning Council effective 2/24/15, seconded by Selectperson Murphy, Vote: 5-0.

Acceptance of Resignation of Tamsen Endicott: Selectperson Battistelli moved that the Board of Selectmen accepted the resignation of Tamsen Endicott as a member of the Finance Committee effective immediately; seconded by Selectperson Murphy, Vote: 5-0.

Release of Money from the Conservation Fund: Selectperson Sheedy moved that the Board of Selectmen approve the Conservation Commission's request to withdraw \$600 from the Conservation Fund to pay expenses to the Rockport Garden Club, seconded by Selectperson Battistelli, Vote: 5-0.

Lease Transfer for 14 Old County Road: Selectperson Murphy moved that the Board of Selectmen approve a lease transfer and sign the Notice of Lease and a Lease Agreement with Mark and July Dirks of 1590 Red Oak Lane, Brentwood, Tennessee for 14 Old County Road, seconded by Selectperson Sheedy, Vote: 5-0.

Permission to hold Motif No. 1 Day on May 16: Selectperson Lucas moved that the Board of Selectmen grant permission to the Rockport Exchange, formerly Rockport Festivals, to

hold Motif No. 1 Day in Rockport on Saturday, May 16, 2015 from 9am to 9pm and allow for the closure of the road in Dock Square between the Blue Lobster Grille Restaurant and the Dock Square Traffic Island from 9am on Friday, May 15th until 9pm on Saturday, May 16, 2015, seconded by Selectperson Battistelli, Vote: 5-0.

Sarah Kelly said in the application they were asked to include Motif No. 1, to do something near the building. Chairperson Wilkinson recommended when S. Kelly has a plan she bring it to Town Hall. She suggested that we be sure that signage says “detour”.

Permission for Rockport Farmer’s Market: Selectperson Battistelli moved that the Board of Selectmen grant permission to the Rockport Exchange to hold the Rockport Farmers Market on successive Saturdays from June 20, 2015 to October 3, 2015 from 9am to 1pm and allow the use of six parking spaces from 8:30 am to 1pm in front of Harvey Park on Mt. Pleasant Street for temporary 15-minute market parking for residents to make quick stops at the market, seconded by Selectperson Murphy, Vote: 5-0.

Permission for
Rockport Farmer’s
Market
Motion Approved

Selectmen’s Briefing

Alcohol Article with Petitioners: Selectperson Lucas left the table and sat in the audience. Peter Beacham and Ian Crown presented the petition article for Spring Town Meeting. P. Beacham said it has been ten years since the last alcohol regulation change. He said he hears continually from residents that they would like Rockport to get one or more year-round restaurants in town; the current laws don’t attract restaurants. It is difficult for someone to want to make an investment in a piece of property when they can’t serve alcohol the way they’d like to. They spoke to Sen. Tarr’s office about this; they also met with M. Sheedy on the correct procedures on a petition article. The two recommended changes are:

Selectmen’s
Briefing

Alcohol Article
with Petitioners

1) the original law didn’t allow for wine and beer licenses we have all or nothing; we are suggesting three year round and two seasonal licenses,

2) removing the restriction that you have to order food while ordering alcohol.

These changes would make the town more complete for those of us living here with year round alcohol in restaurants, it would make Rockport more competitive and equal to the surrounding towns. Selectperson Murphy said alcohol hasn’t brought any problems to the town in ten years. He recommends keeping the business in Rockport; people go from Rockport to Gloucester to eat. T. Arsenian, 95 Granite Street, said ten years ago comments were made that there were going to be no bars, now we’re having bars in town. He said it isn’t true to say that there haven’t been problems; there have been problems around alcohol.

Tony Beadle, Shalin Liu, said from October through May they act as the tourist bureau for Gloucester, one third of their audience is looking for a place to sit and have a nice meal. He said Shalin Liu operates under a Function Hall License.

Ray Thursbay, 5 Tarr’s Lane West, said this is a terrible mistake. We’re going to end up with Cumberland Farms’ alcohol sales; we should keep the tradition of the town.

Selectperson Sheedy left the meeting.

Discussion Item

FY 16 Budget – Finance Committee: Finance Committee members W. Hess, R. Wagner, F. Hassler, J. Michaels, L. Wessel, and I. Crown were in attendance.

There was a deficit of \$347,577. The total revenue increase for FY ’16 is \$737,510. The total cuts to try to balance the budget equal \$359,092. They are as follows: there will be no increase to the employee merit bonus pool, the Finance Committee reserve fund will be level funded, there are DPW budget reductions in the amount of \$30,000 with some staff

Discussion Item:

FY ’15 Budget
Finance
Committee

Discussion Item:

FY '15 Budget
Finance Committee

Continued

retirements and replacements, there is a reduction in our projection for worker's compensation insurance in the amount of \$50,000, police cuts total \$43,000, \$50,000 is being eliminated from the economic development committee, the requested \$37,000 for an additional highway division employee for the DPW has been eliminated, an \$18,000 reduction in health benefits is being realized due to the DPW position not being added, the DPW's seasonal help is being level funded at \$14,500, and the cemetery help is being level funded at \$7,000, \$18,184 will reduce the ambulance EMT to the current run rate, a reduction of \$9,600 will level fund the combined part time administrative assistant position for IS&T, the Conservation Commission and the Board of Health, the \$51,700 to create a Human Resource Dept. is being eliminated. The only possible increases to revenue are the meals tax and increasing parking sticker fees. Chairperson Wilkinson said doesn't like the thought of increasing the meals tax which affects people eating at our residents at the same time we're not supporting the Economic Development Committee. W. Hess said the increase to the cost of a \$60 meal is \$0.45, and surrounding communities already have the higher rate. The snow and ice costs are over budget by about \$350,000; a request for reimbursement funds to the state has already been submitted.

T. Arsenian said comments have been made tonight that we haven't had a chance to see the results of the Economic Development Committee; he said we should be asking what results did the town see after funding the Economic Development Committee. He inquired about the \$10,000 that had been approved on the capital budget for the Keeper's House on Straitsmouth Island.

Selectperson Lucas left the meeting.

Add Local Options
Meal Tax Article to
FY '15 STM
Warrant
Motion Approved

Selectperson Murphy moved to add the Local Options Meals Tax Article to the FY '15 Spring Town Meeting Warrant, seconded by Selectperson Battistelli, Vote: 3-0.

Helicopter By-Law

Helicopter By-law: Selectperson Battistelli recused herself. Chairperson Wilkinson said there have been questions from residents in town about a heliport. She said we would like a by-law to stop the creation of recreational heliports on people's properties. The Board of Selectmen would create a draft and send it to the Government and By-Law Committee then it would be a general by-law and be at Fall Town Meeting. Chairperson Wilkinson said the Town Administrator said she can review the draft that she worked on previously with Town Counsel, and it can be an agenda item on a meeting over the next month or two. T. Arsenian said he provided copies of two by-laws that he acquired at the Planning Board, he doesn't know if they were useful.

R. Thursby asked if this would forbid any helicopter landings other than law enforcement or emergencies? J. Montecarlo, Granite St., questioned what is defined as an "emergency".

T. Arsenian stated that Straitsmouth and Thatcher Islands need helicopter service.

9:30 Selectperson Murphy moved to adjourn, seconded by Selectperson Battistelli, Vote: 3-0.

Warrant Signed:

Warrant signed for the Fiscal Year 2015 Payroll and Expenses for the week of March 12, 2015 in the amounts of \$123,252.82 and \$517,574.56 respectively.

Items signed:

Lease transfer, 14 Old County Road